



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,558	03/23/2004	Rod Lovett	TOW-0001	2565

7590 10/19/2004

Shawn Hunter  
4058 Tartan Lane  
Houston, TX 77025

EXAMINER

KIM, CHRISTOPHER S

ART UNIT PAPER NUMBER

3752

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,558

Applicant(s)

LOVETT, ROD

Examiner

Christopher S. Kim

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawks, Jr. (5,303,866).

Hawks, Jr. discloses a mosquito misting system comprising: a fluid reservoir 54; a misting nozzle 38; a conduit 28, 136, 536; a pump 70, 500; an agitator 144, 514; a controller (switch for pump, column 6, lines 27-41); a pressure switch (pressure sensor, column 6, line 37); a remote control 36

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 11-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawks, Jr. (5,303,866) in view of Khurgin et al. (4,433,577).

Art Unit: 3752

Hawks, Jr. discloses the limitations of the claimed invention with the exception of the plurality of float sensor assemblies. Khurgin teaches a plurality of float level sensor assemblies in figure 14. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a plurality of float level sensor assemblies in the device of Hawks, Jr. as taught by Khurgin to sense the level of the liquid.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawks, Jr. (5,303,866) in view of Sowry et al. (6,558,078).

Hawks, Jr. discloses the limitations of the claimed invention with the exception of the moisture sensor. Sowry teaches a moisture sensor (column 2, line 64) for use in a fertilizer sprayer system. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a moisture sensor in the device of Hawks, Jr. as taught by Sowry to sense moisture in the ground.

6. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawks, Jr. (5,303,866) in view of Dodds et al. (5,333,785).

Hawks, Jr. discloses the limitations of the claimed invention with the exception of the transmitter. Dodds teaches a transmitter 115 to send various data and information. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a transmitter in the device of Hawks, Jr. as taught by Dodds to remotely collect data.

Art Unit: 3752

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawks, Jr. (5,303,866) in view of Khurgin et al. (4,433,577) as applied to claim 11 above, and further in view of Dodds et al. (5,333,785).

Hawks, Jr. in view of Khurgin discloses the limitations of the claimed invention with the exception of the transmitter. Dodds teaches a transmitter 115 to send various data and information. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a transmitter in the device of Hawks, Jr. in view of Khurgin as taught by Dodds to remotely collect data.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK